

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 2021-71-T - ORDER NO. 2021-388

JULY 2, 2021

IN RE:	Petition of the Office of Regulatory)	ORDER REVOKING
	Staff to Revoke Certain Certificates of)	CERTIFICATES
	Public Convenience and Necessity of)	
	Certain Motor Carriers for Failure to)	
	Maintain and File Evidence of)	
	Insurance)	

I. INTRODUCTION

This matter comes before the Public Service Commission of South Carolina (Commission) by way of Petition of the Office of Regulatory Staff (ORS) for an order revoking certain certificates of public convenience and necessity of certain motor carriers for their failure to maintain and file evidence of insurance as statutorily required. After careful review of the evidence and the law, we grant the Petition of ORS to revoke the certificates of the motor carriers enumerated in its attached Revised Exhibit A, which is incorporated in this Order as Order Exhibit 1.

II. FACTS AND PROCEDURAL HISTORY

On March 2, 2021, ORS filed a petition with the Commission to revoke certain certificates for failure of the motor carrier to maintain insurance. The petition included two exhibits—Exhibit A listed the names of ninety-nine motor carriers who were not in compliance with the law and the Affidavit of Carole Chauvin, ORS Program Specialist, attested to the motor carriers' failure to provide proof of insurance in Exhibit B.

After the May 26, 2021 hearing, on June 9, 2021, the Commission approved a motion to grant the petition of ORS to revoke the certificates of public convenience and necessity of the motor carriers listed in Revised Exhibit A for failure to maintain and file evidence of insurance. This revised list of noncompliant motor carriers is incorporated in this Order as Order Exhibit 1.

III. LAW

The Commission has the statutory duty to regulate every motor carrier in the State of South Carolina pursuant to S.C. Code Ann. § 58-23-1010 (2015) and to revoke or suspend certificates pursuant to S.C. Code Ann. Regs. 103-175 and 103-240 (2012).

“The commission shall regulate every motor carrier in this State and fix or approve the rates, fares, charges, classifications, and regulations pertaining to each motor carrier, except as provided in Section 58-23-20.” S.C. Code Ann. § 58-23-1010 (2015).

No corporation or person, his lessees, trustees, or receivers may operate a motor vehicle for the transportation of persons or property for compensation on an improved public highway in this State except in accordance with the provisions of this chapter . . . and any such operation is subject to control, supervision, and regulation by the commission in the manner provided by this chapter.

§ 58-23-20.

The commission may, after a hearing, order the suspension, revocation, alteration, or amendment of any certificate issued pursuant to Articles 1 through 11 of this chapter, if it is proved that the holder of the certificate wilfully made any misrepresentation of a material fact in obtaining his certificate or wilfully violated or refused to observe the laws of this State touching motor vehicle carriers or wilfully violated any of the terms of his certificate or of the commission's proper orders, rules, or regulations.

§ 58-23-320.

The commission shall, in ordering the issuance of a certificate, require the applicant to procure and file with the Office of Regulatory Staff either liability and property damage insurance, a surety bond with some casualty or surety company authorized to do business in this State, or a certificate of self-insurance as provided by Section 56-9-60 on all motor vehicles to be used in the service in that amount as the commission may determine, insuring or indemnifying passengers or cargo and the public receiving personal injury by reason of any act of negligence and for damage to property of any person other than the assured. The policy, bond, or certificate of self-insurance must contain those conditions, provisions, and limitations as the commission may prescribe and must be kept in full force and effect and failure to do so is cause for the revocation of the certificate.

§ 58-23-910.

The owner or owners of all motor vehicles transporting goods of any kind for hire on the roads of this State are hereby required as a condition precedent for using the highways of this State to carry with some reputable insurance company liability insurance and property damage insurance in such sums as the Public Service Commission may determine. Any person or corporation violating the terms of this provision shall be fined in an amount of not less than one hundred dollars or not more than five hundred dollars for the first offense and an amount of not less than five hundred dollars or not more than two thousand dollars for each subsequent offense or shall suffer imprisonment of a term of not less than thirty days or not more than one year for the first offense and for not less than six months or not more than three years for each subsequent offense.

§ 58-23-920.

Before any certificate can be issued and before any motor carrier operations can be conducted thereunder, the motor carrier must provide and have accepted by the ORS evidence of insurance policy or surety bond from an insurance company licensed or admitted to do business in South

Carolina or self-insurance in the amounts hereinafter prescribed

S.C. Code Ann. Regs. 103-170 (2012).

Regulation 103-171 mandates a motor carrier must submit certain forms to provide proof of insurance. “Evidence of Insurance Filed on Form E. Filing evidence of bodily injury and property damage insurance will be made on Form E, ‘Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance.’” Regs. 103-171(1). “Form F must be attached to Policy. The ‘Uniform Motor Carrier Bodily Injury and Property Damage Liability Insurance Endorsement,’ Form F (see Form F in 23A S.C. Code Ann. Regs. 38-447), must be attached to the bodily injury and property damage insurance policy itself.” Regs. 103-171(2).

Regulation 103-172 sets forth the limits of liability for motor carriers. Regulation 103-173 requires Class E household goods certificate holders to maintain cargo insurance: “Before any Class E Certificate can be issued and before any motor carrier operations can be conducted thereunder, the Class E motor carrier must procure a cargo insurance policy or cargo surety bond” Regs. 103-173. “Evidence of Cargo Insurance Filed on Form H. Evidence of cargo insurance will be filed on Form H, ‘Uniform Motor Carrier Cargo Certificate of Insurance.’” Regs. 103-174(1).

The Commission has the authority to suspend the certificate of a motor carrier who fails to file the required insurance.

A failure to file evidence of insurance, self-insurance or surety bond shall be just cause for the commission, without further evidence or hearing, to suspend its order granting authority or to suspend the certificate or any license issued to the motor carrier. A failure to keep all insurance, self-

insurance or surety bond in full force and effect shall result in automatic suspension, upon receipt of an affidavit from the ORS with supporting evidence, of the commission's order granting authority, the certificate, and any license issued to the motor carrier, with the suspension becoming operative as of the effective date of the cancellation of the motor carrier's insurance, self-insurance or surety bond.

Regs. 103-175.

The commission may at any time, after notice and opportunity to be heard, suspend, revoke, alter, or amend any certificate, if it shall be made to appear that the holder has willfully violated or refused to observe orders, rules, or regulations prescribed by the commission, provisions of the Motor Vehicle Carrier Law, or any other law of this State regulating motor carriers for hire and applicable to the holder of such certificate

Regs. 103-240.

IV. FINDINGS OF FACT

After review of all of the evidence presented in the Application, the results of the ORS review, the Commission makes the following findings of fact:

1. The motor carriers listed in Exhibit A to the Petition of ORS were duly noticed of the requirement to answer the Petition and of the date of the hearing.
2. The motor carriers listed in Revised Exhibit A did not present evidence to the Commission in response to the Notice.
3. The Commission held a hearing on May 26, 2021, to examine all evidence regarding the allegations contained in the petition of ORS.
4. ORS presented substantial evidence, in the affidavit of Carole Chauvin and the testimony of Chauvin at the hearing, to support a finding the motor carriers listed in Revised Exhibit A failed to maintain and provide proof of insurance as prescribed by law.

V. CONCLUSIONS OF LAW

Based upon the evidence in the record, the aforementioned findings of fact, and applicable law, the Commission makes the following conclusions of law:

1. The Commission has the authority to regulate every motor carrier in the State of South Carolina pursuant to S.C. Code Ann. § 58-23-1010 (2015) and to revoke or suspend certificates pursuant to S.C. Code Ann. Regs. 103-175 and 103-240 (2012).

2. The motor carriers listed in Revised Exhibit A to the Petition of ORS failed to maintain and provide proof of insurance as required pursuant to S.C. Code Ann. § 58-23-910 (2015) and Regulations 103-171 to 174.

3. The certificates of the motor carriers in violation of the law should be suspended pursuant to Regulations 103-175 and 103-240.

IT IS THEREFORE ORDERED:

1. The Certificates of Public Convenience and Necessity held by those motor carriers listed in Revised Exhibit A , attached to this Order as Order Exhibit 1, are revoked and suspended for the motor carriers' failure to maintain and provide proof of insurance as required by statutory and regulatory law.

2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:




Justin T. Williams, Chairman
Public Service Commission of
South Carolina

ACCEPTED FOR PROCESSING - 2021 May 26 12:33 PM - SCPSC - 2021-71-T - Page 1 of 2

Revised Exhibit A - Carriers Out of Compliance for Failure to Maintain and File Evidence of Insurance

Date: May 26, 2021
Docket No. 2021-71-T

REVISED EXHIBIT A
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No.	Docket No	Cert Type	NAME	DBA	ADDRESS	CITY	State	ZipCode
1	2018-190-T	Class C Charter	AA Coastal Transportation of SC, LLC		3887 Stillwood Dr	Myrtle Beach	SC	29588
2	2018-351-T	Class C Charter Bus	AA Coastal Transportation of SC, LLC		3887 Stillwood Dr	Myrtle Beach	SC	29588
3	1998-574-T	Class C Taxi	AAA A-1 Airport Limo Shuttle, LLC		PO Box 60489	N Charleston	SC	29419
4	2008-361-T	Class C Charter Bus	AAA A-1 Airport Limo Shuttle, LLC		PO Box 60489	N Charleston	SC	29419
5	2012-349-T	Class C Taxi	Apple Express Transportation, LLC		PO Box 1600	Mt. Pleasant	SC	29464
6	1997-261-T	Class E HHG	Atlantic Transfer & Storage Co., Inc.		7370-B East Spartan Blvd	N Charleston	SC	29418
7	2018-298-T	Class C Taxi	Brenda Pendergrass	BP Taxi	2453 Gallowaytown Rd	Hartsville	SC	29550
8	1998-523-T	Class C Charter Bus	Brooks Transit Charter Service, Inc.		2629 Flamingo Drive	Columbia	SC	29209
9	2017-100-T	Class C Charter Bus	BTL Unlimited LLC		235 Manatee Rd	Holly Hill	SC	29059
10	2004-171-T	Class C Charter Bus	C & F Charter Service, LLC		PO Box 42	Tillman	SC	29943
11	2018-250-T	Class C Charter	Casper Rides LLC		111 Brockman Dr	Mauldin	SC	29662
12	2013-369-T	Class C Taxi	Charleston City Transportation L.L.C.		2459 Lantern St	Charleston	SC	29414
13	2007-434-T	Class C Taxi	City Taxi, LLC		219 Longmont Dr	Lexington	SC	29072
14	2018-273-T	Class C Charter	Classic Choice Limo LLC		587 Yellow Leaf Ln	Summerville	SC	29486
15	2016-151-T	Class C Charter Bus	Coffield's Charter and Tour, LLC		7419 Powell Rd	Georgetown	SC	29440
16	2014-296-T	Class C Charter Bus	Columbia Brew Bus LLC		1004 C Ave	W Columbia	SC	29169
17	2018-391-T	Class C Charter	Crowned One Limo & Transportation LLC		138 Adthian Circle	Goose Creek	SC	29445
18	2019-285-T	Class C Non-Emer	Darrick Campbell	Demions Transportation	237 Laurel Ln Lot 2	Florence	SC	29506
19	2003-173-T	Class C Taxi	David Lee Lesesne		1121 Hurley Dr	Sumter	SC	29150
20	2007-84-T	Class C Taxi	DJ's Transportation, LLC		116 Fairhaven Dr	Goose Creek	SC	29445
21	2017-377-T	Class C Non-Emer	East Coast Electronics LLC	ECE	14 E Butler Rd Ste A	Mauldin	SC	29662
22	2011-290-T	Class C Non-Emer	Eddie's Take You There Service, LLC		2112 Ozelma Dr	Dillon	SC	29536
23	2016-229-T	Class C Non-Emer	Ei Shaddai Medical Transportation Services, LLC		2308 Timberlane Dr	Florence	SC	29506
24	2015-189-T	Class C Charter Bus	Emerald Tours Inc. LLC		PO Box 4861	Columbia	SC	29240
25	2015-315-T	Class C Taxi	Ervin Parker		624 Middleberg Way	Florence	SC	29505
26	2009-146-T	Class C Charter Bus	Ethel P. Isaac	Unistyle PCL Tours	PO Box 113	Lynchburg	SC	29080
27	2012-281-T	Class C Charter Bus	Express Transportation, Inc.		9572 Sidney Hayes Rd Ste 103	Orlando	FL	32824
28	2017-329-T	Class C Charter	Exquisite Ground Transportation, SE		7320 Broad River Rd Ste K-260	Irmo	SC	29063
29	2017-360-T	Class C Non-Emer	F & S Transportation, LLC		14 Lancer Ct.	Columbia	SC	29203
30	2003-232-T	Class C Charter Bus	Getaway Travels & Tours, LLC		PO Box 2869	Orangeburg	SC	29116
31	2018-393-T	Class C Non-Emer	Grateful med transportation llc		21 Oaks Plantation Rd	St. Helena Island	SC	29920
32	2019-69-T	Class C Non-Emer	Holman Tri-County Transportation LLC		1125 Elm St W	Hampton	SC	29024
33	2006-149-T	Class C Charter	J. E. Place		PO Box 583	Sullivan's Island	SC	29482
34	2019-36-T	Class C Taxi	Jafer Parker		624 Middleberg Way	Florence	SC	29505
35	2018-63-T	Class C Charter	James Jones	Jones & Son Limo Transportation	1374 Rifle Range Rd	Mt Pleasant	SC	29464
36	2013-228-T	Class C Charter	James Kostarelos	19th Hole Shuttle and Limo Service	400 Ladykirk Ln	Myrtle Beach	SC	29579
37	2016-213-T	Class C Charter	Jerome Singleton	Execulives Transportation Services	1014 W Shady Grove Rd	Irmo	SC	29063
38	2000-141-T	Class E HHG	Jimmy Coats	Greenwood Moving & Storage	PO Box 1281	Greenwood	SC	29648
39	2002-399-T	Class C Taxi	John F. Wilder		638 W Oakland Ave	Sumter	SC	29150
40	2013-439-T	Class C Taxi	Jus In Time Taxi & Limo LLC		2698 Calnhoy Rd	Huger	SC	29450
41	2015-121-T	Class C Taxi	Kenneth Lee Johnson	Kenneth's Taxi	736 Meetinghouse Rd	Hopkins	SC	29061
42	2011-500-T	Class C Taxi	KP of Camden, LLC	SC Palmetto Taxi	70 Edinburgh Castle Ln	Camden	SC	29020
43	2005-89-T	Class C Charter Bus	Leon Robinson	Robbie's Charter	141 Meadowlake Dr	Columbia	SC	29203
44	2016-410-T	Class C Non-Emer	LIL Services LLC		209 Northcliff Way	Greenville	SC	29617
45	2019-310-T	Class C Non-Emer	Marrakesch, Inc.	MDL Transportation	408 Bamwell NW Ave Ste B	Aiken	SC	29801
46	2012-354-T	Class C Non-Emer	MedExpress, LLC		597 Old Mount Holly Rd Ste 203-C	Goose Creek	SC	29445
47	2019-23-T	Class C Non-Emer	Michael Boatwright	Boatwright's Transport	2085 Coreys Ct	Dillon	SC	29536
48	2016-265-T	Class C Non-Emer	MSK Transportation LLC		889 N Matthews Rd Bldg 881 Apt C2	Lake City	SC	29560

Revised Exhibit A - Carriers Out of Compliance for Failure to Maintain and File Evidence of Insurance
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49	2014-476-T	Class C Stretcher Van	On Time Transit LLC II		1161 Red Hill Rd	Camden	SC	29020
50	2012-285-T	Class C Non-Emer	On Time Transit LLC II		1161 Red Hill Rd	Camden	SC	29020
51	2012-370-T	Class C Charter Bus	Pee Dee Community Fellowship Church		PO Box 12256	Florence	SC	29504
52	2014-381-T	Class C Charter	Peter J. Guedner	Executive Limousine of SC	8805 Whippoorwill Ln	Indian Land	SC	29707
53	2001-274-T	Class C Taxi	Peter Singleton	Peter & Annette Limo Service	113 Tuscan Ct	Ladson	SC	29456
54	2013-128-T	Class C Charter	Prestige Limousine Service, LLC		2740 Jamestown Road	Camden	SC	29020
55	2010-133-T	Class C Non-Emer	Renew Transportation LP		109 Midwood Rd	Travelers Rest	SC	29690
56	2007-105-T	Class C Charter Bus	Ritz Limousine and Entertainment Club, Inc.		9553 Edgerton Dr D-11	Myrtle Beach	SC	29572
57	2014-279-T	Class C Charter Bus	Rivers Charter & Tours LLC		PO Box 3368	W Columbia	SC	29171
58	2011-282-T	Class C Taxi	Royal Cabs, LLC		4685 Fish Hatchery Rd	Gaston	SC	29053
59	2017-80-T	Class C Non-Emer	Royalty on Board Transportation LLC		367 Langfordville Rd	Ridgeland	SC	29938
60	1994-503-T	Class C Taxi	Rudolph A. Bradley		PO Box 2139	Georgetown	SC	29442
61	2004-82-T	Class C Charter Bus	Saleeby Enterprises LLC		105 Paula Court	Conway	SC	29526
62	2014-444-T	Class C Charter	SBL Investments, LLC	SB Limousine Service	6570 St Peters Church Rd	Myrtle Beach	SC	29588
63	2019-75-T	Class C Stretcher Van	Stephen Coomes	Coomes Non Emergency Medical Transport	2833 Vineyards Creek Church Rd	Comer	GA	30629
64	2018-300-T	Class C Non-Emer	Stephen Coomes	Coomes Non Emergency Medical Transport	2833 Vineyards Creek Church Rd	Comer	GA	30629
65	2019-245-T	Class C Charter	Style MB LLC	Ride in Style	129 Coachman Ln	Surfside Beach	SC	29575
66	2020-82-T	Class C Non-Emer	TDK Transporting LLC		23 Benjamin Smalls Rd	Seabrook	SC	29940
67	2016-163-T	Class C Charter Bus	The Charleston Bus, LLC		1308 E Montague Ave	N Charleston	SC	29405
68	2010-150-T	Class C Charter Bus	The Star Ship, Inc.		203 Flamingo Dr	Clayton	NC	27520
69	2018-118-T	Class C Non-Emer	Time To Move LLC		PO Box 3552	Aiken	SC	29802
70	2018-117-T	Class C Stretcher Van	Time To Move LLC		PO Box 3552	Aiken	SC	29802
71	2020-111-T	Class C Non-Emer	Trav-all Transit LLC		4155 Gaines Mill Dr	N Charleston	SC	29420
72	2011-25-T	Class C Taxi	V.I.P. Transportation, LLC		1643-B Savannah Hwy Ste 375	Charleston	SC	29407
73	2015-168-T	Class C Non-Emer	Valerie Wallace	Total Care Transportation	13401 Old McColl Rd	Gibson	NC	28343
74	2019-237-T	Class C Charter Bus	Williamsburg Tours LLC		462 Camelia Ln	Lake City	SC	29560
75	2014-48-T	Class C Taxi	Yellow Top Taxi LLC		867 Colony Dr #115	Charleston	SC	29407